

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Feiling Wang	Art Unit :	2877
Serial No. :	10/567,185	Examiner :	Layla Lauchman
Filed :	November 14, 2006	Conf. No. :	1185
Title :	OPTICALLY MEASURING SUBSTANCES USING PROPAGATION MODES OF LIGHT		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§ 3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), TOMOPHASE CORPORATION, a corporation, certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventor of the above-referenced patent application, which was recorded in the Patent and Trademark Office at Reel 018581, Frame 0411 on November 29, 2006.

TOMOPHASE CORPORATION also certifies that (1) it is the assignee of the entire right, title, and interest in the U.S. Patent No. 6,903,820 issued June 7, 2005, and entitled "Measurements of Substances Using Two Different Propagation Modes of Light Through a Common Optical Path" by virtue of an assignment from the inventor, which was recorded in the Patent and Trademark Office at Reel 015407, Frame 0588 on November 23, 2004; and (2) it is the assignee of the entire right, title, and interest in the U.S. Patent No. 7,259,851 issued August 21, 2007, and entitled "Optical Measurements of Properties in Substances Using Propagation Modes of Light" by virtue of an assignment from the inventor, which was recorded in the Patent and Trademark Office at Reel 016940, Frame 0081 on October 26, 2005.

To the best of undersigned's knowledge and belief, title of the U.S. Patent Application No. 10/567,185, U.S. Patent No. 6,903,820, and U.S. Patent No. 7,259,851 is in the assignee TOMOPHASE CORPORATION.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

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Attorney's Docket No.: 17370-0002US1

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of U.S. Patent Nos. 6,903,820 and 7,259,851 provided that any patent granted on the U.S. Patent Application No. 10/567,185 shall be enforceable only for and during such period that it is commonly owned with U.S. Patent Nos. 6,903,820 and 7,259,851.

The assignee identified above does not disclaim any terminal part of any patent granted on the U.S. Patent Application No. 10/567,185 prior to the expiration date of the full statutory term of U.S. Patent Nos. 6,903,820 and 7,259,851 in the event that any of the U.S. Patent Nos. 6,903,820 and 7,259,851 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent Nos. 6,903,820 and 7,259,851.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Please apply \$70 for the required fee pursuant to 37 C.F.R. § 1.20(d), and any other applicable charges or credits, to Deposit Account No. 06-1050.

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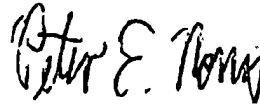
Attorney's Docket No.: 17370-0002US1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TOMOPHASE CORPORATION

Date: \_\_\_\_\_

3/23/09



PETER E. NORRIS

Title: Chief Executive Officer

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